

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

JIMMIE LEWIS BROWN

Plaintiff

v.

RUSK COUNTY PROSECUTORS, ET AL.

Defendants

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Case No. 6:19cv534-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff Jimmie Brown, an inmate proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636. The Magistrate Judge issued a Report recommending that the lawsuit be dismissed with prejudice as frivolous until such time as Plaintiff could show that the conviction which he challenges has been overturned, expunged, or otherwise set aside. No objections were filed to the Report.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Plaintiff did not file objections in the prescribed period. The Court therefore reviews the Magistrate Judge's findings or clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), cert. denied, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendation, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. The Court therefore adopts the Report and Recommendation of the United States Magistrate Judge as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 5) be **ADOPTED**. The above-styled civil action is **DISMISSED WITH PREJUDICE** as frivolous until such time as the Plaintiff can show that the conviction which he challenges has been overturned, expunged, or otherwise set aside. All pending motions are **DENIED** as **MOOT**.

So **ORDERED** and **SIGNED** this **3rd** day of **September, 2020**.



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JEREMY D. KERNODEL  
UNITED STATES DISTRICT JUDGE